LEGAL RESPONSIBILITIES OF THE NURSE MANAGER

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Managers also have some legal responsibility for the quality control of nursing practice at the unit level, including such duties as reporting dangerous understaffing, checking staff credentials and qualifications, and carrying out appropriate discipline.Austin (2001*a*) reports that healthcare facilities may also be held responsible for seeing to it that staff members know how to operate equipment safely. Likewise, standards of care as depicted in policies and procedures may pose a liability for the nurse if such policies and procedures are not followed. In such cases, the manager is responsible for auditing and providing follow-up interventions (or for delegating this aspect of practice to someone else) if the standard of care is not met. The chain of command in reporting inadequate care by a physician is another area where management liability may occur if employees do not learn and follow proper protocols. Both Austin (2001*b*) and Warlick (2000) feel that managers have a responsibility to see that written protocols, policies, and procedures are followed in order to reduce liability. Additionally, the manager, like all professional nurses, is responsible for reporting improper or substandard medical care, child and elder abuse, and communicable diseases as specified by the Centers for Disease Control and Prevention. Individual nurses also may be held liable for *product liability*.When a product is involved, negligence does not have to be proved. This strict liability is a somewhat gray area of nursing practice. Essentially, strict liability holds that a product may be held to a higher level of liability than a person. In other words, if it can be proved that the equipment or product had a defect that caused an injury, then liability would be debated in court using all the elements essential for negligence, such as duty or breach. Therefore, equipment and other products fall within the scope of nursing responsibility. In general, if they are aware that equipment is faulty, nurses have a duty to refuse to use the equipment. If the fault in the equipment is not readily apparent, risks are low that the nurse will be found liable for the results of its use.

Reference

Foundation for Effective Leadership and Management, **P. 110-** UNIT 2